

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 90393

Charles A Stulman LLC
Charles C Stulman LLC
1427 Clarkview Road
Suite 500
Baltimore MD 21204

1165 Charles View Way

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on May 17, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-206 (e)(3): Failure to eliminate mice infestation throughout the unit from this residential property.

On April 22, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,200.00 (seven thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Stacey Ruddy, Sarah Howe and Brianna Cabibbo, Tenants, Tom Ruddy, father to Stacey Ruddy, Maura Howard, Regional Manager of Continental Realty represented by Stuart L Sagal, Esquire, Casey Taylor, Senior Technician/Technical Trainer for Ehrlich Pest Control and Paul Cohen, Baltimore County Code Enforcement Officer.

Testimony revealed that the apartment wherein these three tenants reside has experienced in the past, and continues to experience, infestation relating to mice. The apartment is well maintained and is kept in a neat and orderly fashion by these three tenants. Their manner of living has not contributed to the problems they experience with mice. The Landlord has also taken very reasonable steps to eradicate these mice and to eliminate the infestation. Ehrlich pest control is the on-call exterminator and has visited the apartment on an almost weekly basis to take preventative steps to

catch and poison these mice. Mr. Taylor, representing Ehrlich and testifying on behalf of the Landlord, stated that he has set and baited traps in the apartment and has dispensed poison around the unit and into the walls. The three tenants have also made every effort to catch these mice by placing their own traps and glue strips about the apartment. Even with these efforts, the mice continue to come into the premises, although the testimony of Mr. Cohen, the code inspector from the County was that he did not see evidence of infestation at the time of his latest inspections. The testimony of the tenants was that they have personally trapped and killed some 13 to 15 mice over the past few months. For whatever reason, mice seem to have chosen to occupy this particular unit. No surrounding units have this level of problems with mice and the tenants testified that they rented in this apartment complex last year, (in another unit) and did not have any problems. This is a garden apartment located at ground level which may help to explain why mice have chosen to take up residence in this unit.

It should be stated that this is not a District Court (Landlord/Tenant) proceeding, although this case shares many attributes of such litigation. As the Landlord is aware, Maryland Law imposes upon residential landlords a duty to provide tenants with "quiet enjoyment" of their premises (Real Property Article Section 8-204) The Law also mandates that landlords take immediate action to eliminate from the apartment any "infestation of rodents", or face the threat of "meaningful sanctions". (Real Property Article Section 8-211) The public policy of Maryland is clearly expressed in these statutes, and the Baltimore County Code provision has similar aims. Having considered the testimony and evidence presented before me I am convinced that the Landlord is in technical violation of Section 35-5-206 (e)(3). Having so found:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$ 7,200.00.

IT IS FURTHER ORDERED that the civil penalty be suspended in its entirety, provided:

- (1) Landlord permits the tenants to vacate the premises without any further obligation or liability under their lease agreement; and
- (2) Landlord continues to take every step and put forth every effort to continue to abate the infestation relating to mice in this unit, until such time as these tenants have moved on or are relocated into another unit within this complex, should they desire to stay within the complex.

IT IS FURTHER ORDERED that the suspended \$7,200.00 will be imposed if the terms and conditions as stated above are not complied with.

ORDERED this 1st day of June 2011

Signed: ORIGINAL SIGNED
Timothy M. Kotroco
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/jaf